

Abstract

This thesis is dedicated to analyzing the Czech legal regulation of competitive advertising since the year 1927, while the main focus point of the thesis lies within the analysis of European directives and Commercial code.

The beginning of the thesis is dealing with the definition of several crucial terms needed for due orientation in the issue (particularly the terms “economic competition”, “competitor”, “general clause”, “average consumer”, “advertisement”, “comparative advertising”).

After that follows the analysis of the regulation of comparative advertising applicable in specific time periods. In the first analyzed period (1927-1950), comparative advertising was not explicitly regulated. Nonetheless it was being judged according to the general clause and special facts of the case included in the act. No 111/1927 Coll. of laws and decrees. The attitude of the legal practice towards comparative advertising was rather restrained at that time.

During the next analyzed time period (1950-1991), economic competition and the regulation of unfair competition was substantially marginalized due to wide social changes.

The time period 1992-2001 was, from the unfair competition regulation point of view, important, because it has seen an implementation of a relatively detailed legal regulation of the problematics. This, however, has not coped with comparative advertising until the year 2001, while the attitude of legal practice was analogical with the situation during the times when act. No 111/1927 coll. of laws and decrees was effective.

The first legal regulation of comparative advertising in the Czech legal order was implemented in the year 2001. It was a result of the implementation of European directives. These directives have already for a longer period of time considered comparative advertising to be an important competition instrument, which however is needed to be regulated due to its easy misuse.

The Czech legislature and legal practice had to gradually cope with the reversal of the attitude towards comparative advertising, while especially crucial for this process is the correct implementation of European directives.

This thesis shows that the implementation has not always been without problems. While analyzing the legal regulation of comparative advertising, it is possible to ascertain a number of logical and interpretative problems . These are analyzed in this thesis.

This thesis also illustrates the current attitude of legal practice towards the topic using a summary of a few decrees.

The Czech legal regulation is step by step converging the state, which is desired by the European directives, although the end of the process is still to be reached.